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December 6, 2021

VIA ECF

Hon. Michael A. Hammer, U.S.M.J.
U.S. District Court, District of NJ
MLK Jr. Federal Building & Courthouse
50 Walnut Street
Newark, NJ 07102

**Re: Emerson Redevelopers Urban Renewal, LLC v.
The Borough of Emerson, New Jersey, and Danielle DiPaola
Civil Action No. 20-cv-4728-MCA-MAH**

Dear Judge Hammer:

We represent Plaintiff Emerson Redevelopers Urban Renewal, LLC, and write pursuant to the Court's Order requesting a joint status report following disposition of the motions to dismiss (ECF No. 23). We write with the consent of Defendants.

On October 16, 2020, the Court adjourned the then-pending Rule 16 conference until the motions to dismiss filed by Defendants Borough of Emerson and Mayor Danielle DiPaola were resolved by the District Court. On November 22, 2021, the Hon. Madeline Cox Arleo, U.S.D.J., granted in part and denied in part Defendants' Motions, dismissing certain claims with prejudice but allowing other claims to proceed forward in discovery. All named parties remain in the case. In particular, the Court declined to dismiss: (i) Plaintiff's claim pursuant to 42 U.S.C. § 1983 for violation of substantive due process against Defendant Emerson and Defendant DiPaola; (ii) Plaintiff's state law claim under the New Jersey Civil Rights Act against Defendant Emerson and Defendant DiPaola; and (iii) Plaintiff's state law contract claims against Emerson. On the other hand, Court dismissed with prejudice Plaintiff's equal protection claim asserted pursuant to 42 U.S.C. § 1983, and Plaintiff's contract claims as against Defendant DiPaola individually.

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Accordingly, the parties respectfully request that a Rule 16 conference be scheduled in this matter.

We thank Your Honor for your courtesies in this matter.

Respectfully submitted,

/s/ Joseph B. Fiorenzo
Joseph B. Fiorenzo

cc: All Counsel of Record